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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,569	11/06/2000	Paul E. Bender	PA000028	9667

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Qualcomm Incorporated  
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EXAMINER

TRAN, TUAN A

ART UNIT PAPER NUMBER

2682

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/707,569

**Applicant(s)**

BENDER, PAUL E.

**Examiner**

Tuan A Tran

**Art Unit**

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 50-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 50-57 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-49 and 58-59 drawn to a method and corresponding apparatus of establishing a connection between an access terminal and an access network, classified in class 370, subclass 347.
  - II. Claims 50-52 drawn to an access terminal apparatus to generate an access probe using a PN long code generator and a PN spreader, classified in class 375, subclass 144.
  - III. Claims 53-57 drawn to an access network apparatus producing a PN code, classified in class 375, subclass 130.
2. The inventions are distinct, each from the other because of the following reasons:
3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention [II] has separate utility such as means for generating an access probe using a PN long code generator and a PN spreader. See MPEP § 806.05(d).
4. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they

Art Unit: 2682

are shown to be separately usable. In the instant case, invention [III] has separate utility such as means for producing a PN code. See MPEP § 806.05(d).

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
6. During a telephone conversation with the assigned attorney Sandra Godsey (Reg. 42,589) via her associate Ms. Arti Kane on 01/05/2004 a provisional election was made with traverse to prosecute the invention of 09/707,569, claims 1-49 and 58-59. Affirmation of this election must be made by applicant in replying to this Office action. Claims 50-57 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. 1.48 (b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. 1.48 (b) and by the fee required under 37 C.F.R. 1.17 (h).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2682

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-49 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani et al. (6,574,211) in view of Jiang et al. (6,631,123) and further in view of Meyers et al. (EP 1001572).

Regarding claim 41, Padovani discloses a method and apparatus for establishing a connection between an access terminal and an access network (See figs. 1-2), comprising: receiving a first portion of an access probe from the access terminal (See fig. 8); receiving an access probe message from the access terminal (See fig. 8); and transmitting a grant message to the access terminal, wherein the grant message inherently comprising an access probe acknowledgement message (See fig. 8 and col. 29 line 63 to col. 30 line 10). Padovani further discloses the access network is capable of determining a data rate at which to transmit the data to the selected access terminal base on the data request message received from the access terminal (See col. 7 lines 49-53, col. 12 line 65 to col. 13 line 7). However, Padovani does not mention that the access network transmits a fast access indicator corresponding to the first portion to the access terminal and the access probe message comprises data rate control information and the grant message further comprises traffic channel assignment message and reverse traffic channel acknowledgement. Jiang teaches a method for improving user access performance wherein prior to initiating the procedure, the system equipment (the access network) transmits an acknowledge message (ACK) to the user equipment (access terminal) indicating to the user equipment that portion of the probe signal (preamble) has been detected (See col. 2 lines 35-53, col. 6 lines 25-38). Meyers

Art Unit: 2682

teaches a quick assignment method for multiple access wherein the access probe message comprises data rate control information (See col. 3 lines 28-39) and the access network transmits a grant message to the access terminal, wherein the grant message comprises traffic channel assignment message and reverse traffic channel acknowledgement (See col. 2 line 54 to col. 3 line 10). Since Padovani & Jiang & Meyers teach about the access method for establishing a connection between the access terminal and the access network that utilized CDMA; therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Jiang & Meyers respectively in modifying the Padovani's system for the advantage of providing a time efficiency and properly process during the connection setup stage between the access terminal and network.

Claims 1, 7-10, 14, 16-20, 21, 29, 35-37 are rejected for the same reasons as set forth in claim 41.

Claims 58-59 are rejected for the same reasons as set forth in claim 41, as apparatus.

Regarding claim 42, Padovani & Jiang & Meyers disclose as cited in claim 41. Jiang further teaches the system equipment (the access network) transmits an acknowledge message (ACK) to the user equipment (access terminal) indicating to the user equipment that portion of the probe signal (preamble) has been detected (See col. 2 lines 35-53, col. 6 lines 25-38), wherein the ACK comprises at least 1 bit.

Claims 2, 22 and 30 are rejected for the same reasons as set forth in claim 42.

Art Unit: 2682

Regarding claims 43-46, Padovani & Jiang & Meyers disclose as cited in claim 41. Padovani further discloses the step of covering the fast access indicator using a predetermined fast access indicator Walsh code having a duration of 32 or 64 chips and decoupling the data rate control information using a predetermined fast connect reverse traffic channel Walsh code (See figs. 2, 3A, 3B and col. 9 lines 4-67, col. 10 line 60 to col. 11 line 35, col. 22 line 56 to col. 23 line 53).

Claims 3-6, 15, 23-25 and 31-34 are rejected for same reasons as set forth in claims 43-46.

Regarding claim 47, Padovani & Jiang & Meyers disclose as cited in claim 41. Padovani further discloses the first portion of access probe is received on a first fast access channel of a plurality of fast access channels that are staggered in time, and wherein the fast access indicator is transmitted during a fast access indicator slot immediately following the first portion (See fig. 8 and col. 35 lines 15-34).

Claim 11, 26 and 38 are rejected for the same reasons as set forth in claim 47.

Regarding claim 48, Padovani & Jiang & Meyers disclose as cited in claim 41. Padovani further discloses the step of spreading a first access channel of the plurality of fast access channels, wherein each of the plurality of fast access channels using a different PN long code, and wherein the first portion of an access probe is received on the first access channel (See fig. 8 and col. 11 lines 21-35, col. 35 lines 15-34).

Claims 12, 27 and 39 are rejected for the same reasons as set forth in claim 48.

Regarding claim 49, Padovani & Jiang & Meyers disclose as cited in claim 41. Padovani further discloses the step of spreading the first portion of an access probe

Art Unit: 2682

using a PN long code having a long code mask based on a system time value (See fig. 6 and col. 10 line 60 to col. 11 line 35, col. 32 line 53 to col. 33 line 57).

Claims 13, 28 and 40 are rejected for the same reasons as set forth in claim 49.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kokko et al. (5,790,534) discloses load control method and apparatus for CDMA cellular system having circuit and packet switched terminals.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan Tran** whose telephone number is **(703) 605-4255**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached at **(703) 308-6739**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).




Art Unit: 2682

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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Tuan Tran

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VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
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2/9/04